

**SPECIAL MEETING  
COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

**June 4, 2002**

**6:00 PM**

Chairman Sysyn called the meeting to order.

The Clerk called the roll.

Present: Aldermen Sysyn, Guinta, Osborne, Garrity, Forest

Messrs: T. Lolicata, Deputy Solicitor Arnold, J. Taylor, K. Clougherty

Chairman Sysyn advised that the purpose of the special meeting is discussion relative to the recommendation for management of the Canal and Victory Parking Garages. First of all I just wanted to say that when I talked to Tom Lolicata I thought we were going to have the three bids in front of us but we have one from Republic I believe. Also, I don't know about hiring somebody to manage the garages if we are going to sell them. I don't know if that is a good idea at this point.

Mr. Lolicata stated I am here predicated on my letter to you people regarding the process we went through in picking our management company, which is Republic. Also, if the Aldermen want to table this I just want to make you all aware that this has to be taken care of by June 30. The contract runs out on June 30.

Chairman Sysyn asked but you have somebody there managing that could carry on in the meantime right because you have somebody there without a contract.

Mr. Lolicata answered that is correct. He will be starting there in July without a contract unless something is done before that.

Alderman Forest stated it is coming up about the sale of the garages tonight at the Board meeting isn't it. I think we have plenty of time to make a decision between now and June 30. It is kind of difficult for us to move this when it is coming up on the agenda to sell the garages.

Mr. Lolicata replied fair enough but I am just saying that you have our recommendation in front of you. Secondly, I hope you keep June 30 in mind because we have to have a contract.

Chairman Sysyn stated we would like to see the other two bids that you got.

Deputy Clerk Normand stated there is a multi-year contract that has to be approved by the Board.

Chairman Sysyn asked don't we have a regular traffic meeting scheduled for next week.

Deputy Clerk Johnson answered you don't have a regular traffic committee next week, no, because we have so much going on with the budget. I don't believe I have you scheduled. Aside from that, the point is that you are in to meeting once a month as a Board of Mayor and Aldermen so your next meeting of the Board won't be until July. It is a multi-year contract and the Board would have to act on it. The only point I am making...if you want to table it I think perhaps the Solicitor wants to make a couple of comments before you do that. Tom Arnold is here to address it. I just want to make you aware that it is not an action just of the Committee but the report would then have to go to the Board. It is not just that the Committee can act and we can take care of it that way. My understanding is the contract you have now expires so you don't technically have anybody as of July 1 because you don't have a contract with anybody. Perhaps you want to talk to the Solicitor about that.

Deputy Solicitor Arnold stated there is not much more I can add. I suppose if the present contractor is willing to stay on until a new contractor is selected that might be appropriate but I don't know whether that is the case or not. If the present contractor doesn't look like he is going to be selected as the new contractor so to speak I guess I would wonder about his willingness to continue running the garages until the Board approves a new contract.

Alderman Garrity stated I guess we are putting the cart before the horse here. If we are thinking about selling the garages it doesn't make a whole lot of sense to approve a contract. Do we have a traffic meeting scheduled for the third week of the month?

Chairman Sysyn replied it is the second week.

Alderman Garrity asked so if we approved something couldn't something be approved via a phone poll of the Board.

Chairman Sysyn answered you can but if it is a contract I don't know if that would be allowed. I think we might have to call a special meeting.

Alderman Forest asked, Tom, we are thinking of selling the garages. If we approve this contract, how will that affect the contract?

Deputy Solicitor Arnold answered I would insist upon language that if the garages were to be sold and the new owners weren't willing to assume the contract that the contract would terminate at that time.

Mr. Taylor stated I want to sound a note of caution here. There is an item on the agenda tonight to discuss the sale of the garages. However, I wouldn't assume that that decision is going to be made and finally approved by the end of this month because I doubt very much...if the Board was to vote tonight to sell the garages we have to go through an RFP process and we are going to kill 30 days or so doing that so you won't probably have the proposals in by the end of July and suppose you don't get a bid. Then where are you? I think it is important to understand that this may not happen as quickly as you might think. That is all I wanted to say.

Alderman O'Neil I have a question for Tom Arnold. Is there a contract currently?

Deputy Solicitor Arnold replied I believe there is, yes. I believe that contract expires on the 30<sup>th</sup> of this month.

Alderman O'Neil asked they are working under a contract today.

Mr. Lolicata answered there is a written agreement.

Alderman O'Neil asked it was a six month contract right. How long did they work without a contract?

Mr. Lolicata answered prior to that there was no contract.

Alderman O'Neil asked for how many years.

Mr. Lolicata answered to the end of 1995 or 1997 possibly.

Alderman O'Neil asked so they operated four, five or maybe even six years without a contract in this City.

Mr. Lolicata answered yes and that is the reason we are doing this now to make sure that we do have a contract.

Alderman O'Neil replied I understand that and that is a whole other discussion on why there was no contract for that whole time period but obviously there is room

to keep them on board whether it is a month, three months or six months if this Board so chooses. I don't think we need to be rushed into decisions about selling the garages or selecting an operator by June 30. I think the question needs to be asked of them would they be willing to continue...they are here. They are operating at the Airport. They are not going anywhere. They just received a two-year extension at the Airport so they are not going anywhere. They very well may be willing to stay on board even without a contract as they did for six or seven years. I don't think the Board needs to rush into a decision to have a new operator on board by June 30. I agree with Jay. It is going to take us time to work out the issues on whether or not we sell the garages. There is a due diligence process involved. I think the question just simply has to be asked of our current operator are you willing to stay on board for a period of time.

Alderman Guinta asked, Tom, how quickly can we have the other bids for review.

Mr. Lolicata answered we have the RFP's. All we did was take them and had our meetings with these people. I have them if you want copies of all of the RFP's. I guess I am wondering why this has taken place. I am thinking we did something wrong here. It is just a regular process.

Alderman Guinta replied for me the concern is we have a lot of issues going on with the garages so if we are going to go forward with Republic Parking Systems I just want to make sure from my standpoint that I have all of the information in addition to your recommendation.

Mr. Lolicata responded I can give you all three proposals if you want them.

Alderman Guinta asked is that what we would like as a Board and then we can take a look at that. If we all agree that consistent with the fact that we might be selling garages if Republic makes the most sense then we will go forward with that.

Alderman Forest stated I didn't know, Tom, about you working on this. I know that the decision to sell the garages was made by Lands & Buildings two or three weeks ago so you may have been working on this in the meantime but it just happened that this and the sale of the garages came up at the same time. I think our concern is...

Mr. Lolicata interjected it was just something we had to get in order because we wanted a contract and we wanted to do this correctly. We were coming to the end and July 1 was coming so we went out for RFP's just so we could have this done. That is basically what the whole thing is about.

Alderman Forest stated somebody said that the people from Republic are here.

Mr. Lolicata replied the gentleman from Republic is here tonight, Mr. Rodney Milikman and he was under the assumption that he might be picked as a manager.

Alderman Forest stated can we ask them if they are willing to continue...

Alderman O'Neil interjected they are not the current operator.

Chairman Sysyn stated the operator that is there worked for a long time without any contract.

Alderman Garrity stated the bid was for both Canal and Victory, correct.

Mr. Lolicata replied yes.

Alderman Garrity asked with the budget that was laid on the table last night, the sale of the Canal Street parking garage is in there for revenues. We pretty much have to sell Canal Street in order to make our revenue numbers for our next year's budget.

Mr. Lolicata replied that is what I was thinking last night when I saw that. I didn't have a crystal ball when I went and did all of this but I agree with your statement.

Alderman Garrity stated I think it is probably prudent of us to table this item with what happened at last night's meeting and the proposed sale of the Canal Street parking garage for revenue numbers for next year's budget.

Alderman O'Neil stated I think this is going to need some work. I don't think we need to be...we still have another week of operating budget. We are going to need a little breather. I don't necessarily agree that this has to be done by June 30. If it takes us until September 1...I think all we have to do is ask the current operator would they be willing to extend their contract for three months or put some three month options in there until the Board of Mayor and Aldermen figures out where we want to go with parking. They went seven years without a contract so I don't know why they wouldn't go three months without one.

Alderman Guinta stated I agree with Alderman O'Neil, however, if it is also clear that going with Republic Parking is financially a more suitable alternative then I would like to do that as quickly as we can. I think my position would be I want all of the documents in hand, have a discussion this evening as to where we are going with the sale and how a new management agreement would affect the sale of one or both garages. I don't want to hold up any of the...I certainly don't want to hold

up Republic Parking but at the same token I do think we need to take a little more time in reviewing.

Alderman Lopez stated I want to pass on to the members that I believe there was a process in selecting the one that you are recommending and there was a team of people involved in that selection. You might want to tell the Committee a little bit about that but I wanted to share the information with you from being on the Traffic Committee before and at the same time on the Accounts Committee now. To those that don't know and you already heard it, we have been running the garages without a good management type individual to make sure that we get the necessary funds from those garages. I think that is where Tom Lolicata is going and the RFP process has worked and he is making a recommendation. The team that selected the final individual...I think the Finance Officer was involved and he might want to tell the Committee about that. I think that the City attorney made a statement too that if you do select you can always put language in there that if we sell the garages then he is out. Is that correct?

Deputy Solicitor Arnold replied yes.

Alderman O'Neil stated I am willing to debate this issue here this evening because I am not comfortable with the recommendation. If that is where you want to go, I would ask for the courtesy to debate it with the members of the Committee. If you are going to table it I will save my comments.

Chairman Sysyn called Mr. Clougherty forward.

Mr. Clougherty stated we were asked to get involved and serve on the Committee and we support the recommendation. Certainly, Republic is we think managerially the best way to go but I am also involved on another side, Ms. Chairman. Randy Sherman worked on some of this review but on the other side those of you who are on the Committee on Accounts know that we have been asked to do an audit of our garages. We expect to give the results of that audit to the Committee at its next meeting.

Chairman Sysyn asked which is when.

Mr. Clougherty answered I don't believe it has been scheduled.

Deputy Clerk Johnson stated it is scheduled for June 11 at 5:30 PM but that is also the same night that the Board needs to lay the budget over so we may end up pushing that out a little.

Mr. Clougherty stated if you are thinking about making a decision I would suggest that you wait until you get the results of that audit. Once you have the audit in front of you and the results of the study committee then I think that with all of that information a debate on this is probably worthwhile. As a result of that debate you need to make a decision. In my opinion and I appreciate what you are saying that there hasn't been a contract for awhile but please remember that just because that is the way it has been done...we have always had audit findings that that is not the way it should be. We should have contracts. That is what you should be working to do and because it hasn't been done in the past that is not a good reason not to go forward. I think you have to get something by the extension date so you may have to have a meeting of this committee to discuss this in mid-June, once you have the audit, and then if you need to make a decision you have the chance to hold a special Board meeting to discuss that and take your action. I think you need to get all of the information in front of you.

Alderman O'Neil asked, Mr. Arnold, could we get a three-month agreement with the current operator.

Deputy Solicitor Arnold answered is it a possibility. Certainly. I just do not know if they would be willing to agree.

Alderman O'Neil asked legally.

Deputy Solicitor Arnold answered yes legally we can.

Alderman O'Neil stated that is probably the most prudent way to go here then to try to squeeze this decision in two weeks. I think that is absolutely crazy.

Alderman Forest duly seconded the motion to table.

Mr. Clougherty asked would you like us to forward a copy of the audit to this Committee when it is given to the Committee on Accounts so that you all have that information.

Chairman Sysyn answered yes because we have pretty much been in the dark.

Alderman O'Neil asked what about sending it to all members of the Board.

Mr. Clougherty answered I would be happy to do that.

Alderman Garrity asked, Tom, if we were to sign this contract with Republic it is for the Victory and Canal Street garages. I am sure it has some type of length of

terms on it and let's say we sell one or both of the garages. Are we held liable for any fees or lost wages or any contract items?

Deputy Solicitor Arnold answered I would anticipate that if these contracts were approved that I would insist upon language that if either one or both of the garages were sold that the contract as far as the City is concerned would terminate at that time. So I would structure the contract so that we would not have any liability.

Chairman Sysyn called for a vote on the motion to table. There being none opposed, the motion carried.

Alderman O'Neil asked are they going to ask the current operator if they would consider, if the Board so chooses, a three-month extension to give us some time. Is someone going to ask that question?

Mr. Lolicata answered yes.

There being a special meeting of the Committee, on motion of Alderman Garrity, duly seconded by Alderman Osborne, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee